

EXHIBIT 5

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

Case No. 18-cv-01776 (JRT-HB)

**DECLARATION OF JEFFREY S.
ISTVAN IN SUPPORT OF
DIRECT PURCHASER
PLAINTIFFS' MOTION FOR
INTERIM AWARD OF
ATTORNEYS' FEES, CURRENT
AND ONGOING LITIGATION
EXPENSES, AND SERVICE
AWARDS**

I, JEFFREY S. ISTVAN, declare as follows:

1. I am a Member of the law firm of Fine, Kaplan and Black, R.P.C. I am an attorney admitted to practice *pro hac vice* in the District of Minnesota in the above-captioned lawsuit. I submit this Declaration in support of Direct Purchaser Plaintiffs' petition for an interim award of attorneys' fees, current and ongoing litigation expenses and service awards.

2. My firm has acted as counsel to Direct Purchaser Plaintiffs and the Direct Purchaser Plaintiffs' class in this class action.

3. During the period from case inception through February 28, 2022, and at the request of Interim Co-Lead Counsel for the Direct Purchaser Plaintiffs (Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw, LLP), my firm has worked efficiently on behalf of our named representative clients and the absent Class members. My firm has been involved in the following activities on behalf of the Plaintiffs:

- Case investigation and plaintiff discovery
- Factual and legal research

4. The schedule attached to this declaration as **Exhibit A**, and incorporated herein, is a summary of the amount of time spent by my firm's partners, attorneys, and professional support staff who were involved in this litigation through the end of February 28, 2022. The total number of hours expended on this litigation by my firm from case inception through February 28, 2022, is 243.60 hours. The total lodestar for my firm is \$142,325.00. The lodestar calculation is based on my firm's historic billing rates for antitrust class action litigation, except for work done on document review which is capped at \$350 per hour. Exhibit A was prepared from contemporaneous time records regularly

prepared and maintained by my firm. The hourly rates for my firm's partners, attorneys, and professional support staff included in Exhibit A are the customary hourly rates charged for their services in similar complex litigation. In addition, my firm has submitted fee petitions in other cases that have reported hourly rates at amounts comparable to those sought here, and courts have approved an award of attorneys' fees in such cases.

5. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records, and other source materials and accurately reflect the expenses incurred. My firm incurred a total of \$2,824.21 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of those expenses through February 28, 2022 by category is attached as **Exhibit B**. Assessments my firm paid to a litigation expense fund for this case are not included in Exhibit B and will be addressed separately in another declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 14th day of April, 2022, at Philadelphia, Pennsylvania



Jeffrey S. Istvan

In re Pork Antitrust Litigation
Case No. 18-cv-01776 (JRT/HB)

Exhibit A

Lodestar Summary

Firm: **Fine, Kaplan, and Black, R.P.C.**
Reporting Period: **Inception through February 28, 2022**

Professional	Title	Historic Hourly Rate	Total Hours	Total Lodestar*
Roberta D. Liebenberg	P	850	13.20	11,220.00
Jeffrey S. Istvan	P	750	50.90	38,175.00
Jeffrey S. Istvan	P	825	5.10	4,207.50
Adam J. Pessin	P	650	11.60	7,540.00
Mary L. Russell	A	550	58.40	32,120.00
Ria Momblanco	A	550	14.30	7,865.00
Jessica D. Khan	A	475	4.70	2,232.50
Jessica D. Khan	A	550	53.30	29,315.00
Joseph J. Borgia	A	400	.20	80.00
Nancy M. Blakeslee	PL	300	11.40	3,420.00
Allison L. Katzman	PL	300	4.5	1,350.00
Susan J. Hufnagel	PL	300	16.00	4,800.00
Totals			243.60	142,325.00

Title:

Partner (P)
Associate (A)
Paralegal (PL)
Of Counsel (OC)
Law Clerk (LC)
Legal Assistant (LA)

* Based on historic hourly rates, except for document review which is capped at \$350 per hour.

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Case No. 18-cv-01776 (JRT/HB)

Exhibit B

Expense Summary

Firm: **Fine, Kaplan and Black, R.P.C.**
Reporting Period: **Inception through February 28, 2022**

Expense	Amount
Court Costs (<i>i.e.</i> , Filing Fees)	
Experts / Consultants	
Federal Express / UPS	23.23
Postage / U.S. Mail	
Service of Process	
Messenger / Delivery	
Hearing Transcripts	
Investigation	
Westlaw / Lexis	2,610.48
Photocopies (in House)	151.20
Photocopies (Outside)	
Telephone / Telecopier	
Travel – Transportation*	
Travel – Meals**	
Travel – Hotels	
Miscellaneous (Pacer Service)	21.80
Miscellaneous (BAM Sec. earnings call transcript)	17.50
Total	2,824.21

* Air travel is billed at coach fare.

** \$75 per person per day cap.